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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/750,370	12/30/2003	Tim Etchells	021356-000500US	4883	
20350	7590 07/27/2005		EXAM	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER			JAWORSKI,	JAWORSKI, FRANCIS J	
EIGHTH FLO			ART UNIT	PAPER NUMBER	
SAN FRANC	ISCO, CA 94111-3834		3737		

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	-	Application No.	Applicant(s)) -
		10/750,370	ETCHELLS ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Jaworski Francis J.	3737	
Pe	The MAILING DATE of this communication apriod for Reply	ppears on the cover sheet wit	n the correspondence address	
	A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replaced in the second of the s	.136(a). In no event, however, may a re ply within the statutory minimum of thirty d will apply and will expire SIX (6) MONT te, cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).	
Sta	atus			
	1) Responsive to communication(s) filed on 01 I	November 2004.		
		is action is non-final.		
	3) Since this application is in condition for allows closed in accordance with the practice under	• •	•	
Dis	sposition of Claims		•	
	4) Claim(s) 1-17 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-17 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/ plication Papers 9) The specification is objected to by the Examin 10) The drawing(s) filed on 08092004 is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct	awn from consideration. for election requirement. er. accepted or b) objected by drawing(s) be held in abeyand ction is required if the drawing(s)	e. See 37 CFR 1.85(a).) is objected to, See 37 CFR 1.121(d).	
	11) The oath or declaration is objected to by the E	examiner. Note the attached	Office Action or form PTO-152.	
	ority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	nts have been received. nts have been received in Apority documents have been reused in the peen received.	plication No eceived in this National Stage	
Atta	achment(s)			
2) [Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 11012004. 	_	/Mail Date ormal Patent Application (PTO-152)	

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DETAILED ACTION

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-2, 9-10, 12-14, 16 - 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al (US6126619), or in the alternative as obvious based upon Peterson et al in view of Wang et al (US6685639).

When read against base claim 1 as pertaining inter alia to applicants' Fig. 1, Peterson et al teaches a system and also a method for coupling a heating ultrasound transducer to a patient which includes a coupling circuit (Figs. 2,3) including pump 66, vacuum chamber 56 for applying a pressure gradient via vacuum pump 60 and a coupling storage tank 34 (Fig. 3) or reservoir 32 (Fig. 2) fluidically coupled to the former. Under this interpretation the patent insofar as it self-describes high energy ultrasound and Figs. 7 illustrate a focused application is anticipatory of the HIFU limitation of the preamble. The heat transfer associated with the front mass and manifold of the Peterson et al transducer acts as a chiller on fluid being heated by the therapy transducer(s). Alternatively a cooling tank is contemplated, see col. 4 lines 21-24. Water as well as the tank is also identified as '34' the coupling fluid. Vent valve 62 is part of the fluidic circuit.

When read against base claim 14 as pertaining inter alia to applicants' Figure 4, Peterson et al teaches a first housing e.g. Fig. 2 having one or more high energy ultrasound transducers, a second housing 10 having electronics, interface controls display and generator 16 power, and a system of Fig. 3 for circulating degassed fluid between storage-degasification tanks 46, 56 and transducer reservoir 32 via fluidic lines, where the two housings are also in electronic communication as shown by the single lead (control) lines of Fig. 3.

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In the alternative if Peterson et al be construed to fall short in not stating the HIFU limitation then it would have been obvious in view of Wang et al element 5 of the face figure to de-gas a HIFU unit for hyperthermic heating since the mismatch problem due to fluid dissolved gas release interferes with all types of therapeutic ultrasound application.

Claims 3-8, 11-12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al alone or further in view of Wang et al. as applied to claim 1 above, and further in view of Rentschler et al (US5195509) since the latter evidences that it was well-known to provide coupling fluid vacuum de-gasification in a therapeutic circulatory system using a gas-permeable membrane, see col. 5 lines 20-42 and filter element 28. Vacuum pump 26 necessarily assists pump 31 in circulating fluid through the system under control of device 32. Valves and pressure and level sensors and operator gauges are customary in such patient contacting systems for adjusting the control levels to reduce fluctuations and so are represented in the latter patent.

Forssmann et al (US4530358) is cited as of interest for its Fig. 1 inclusion of vacuum degassification in the transducer fluidic circuit using valved port 31.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

07222005

Francis J. Jawonski Primary Examiner